

CHAPTER 75-03-12 FOSTER PARENT GRIEVANCE PROCEDURE

Section	
75-03-12-01	Definitions
75-03-12-02	Who May File Grievance
75-03-12-03	Grievance to be in Writing - Contents - Time for Filing
75-03-12-04	Informal Meeting
75-03-12-05	Request for Formal Hearing
75-03-12-06	Formal Hearing
75-03-12-07	Hearing Decision
75-03-12-08	Confidentiality

75-03-12-01. Definitions.

1. "Department" means the North Dakota department of human services.
2. "Regional foster care director" means the regional supervisor of county social services located in the regional human service centers.

History: Effective April 1, 1984.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2

75-03-12-02. Who may file grievance. Only the foster parents who are providing, or who most recently provided, care to a foster child may file a grievance. No grievance may be filed with respect to a decision concerning a foster child who has not been living in the grievant's home within one hundred days prior to filing.

History: Effective April 1, 1984.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2

75-03-12-03. Grievance to be in writing - Contents - Time for filing. The grievance must be in writing. It must contain a succinct statement of the grievant's reasons for objections to a decision and the grievant's proposed substitute decision. A grievance must be filed within ten days of the grievant's receipt of the written decision of the department or county social service board.

History: Effective April 1, 1984.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2

75-03-12-04. Informal meeting.

1. The agency which has made the grieved decision shall schedule an informal meeting with the foster parents. This meeting shall be held within ten days of receipt of the written grievance. When the decision which is the subject of the grievance is a decision made by a county

social service board staff member, a member of the county social service board shall preside at the informal meeting.

2. The informal meeting may include, but is not limited to, the following participants:
 - a. Foster parents.
 - b. County social service board members and staff.
 - c. County directors.
 - d. State youth authority staff.
 - e. Juvenile court staff.
 - f. State's attorneys.
 - g. Natural parents of the foster child.
 - h. Foster child.
 - i. Staff of the agency having care, custody, and control of the foster child.
 - j. Any other person having information concerning the decision which is the subject of the grievance.
3. Within two working days after conclusion of the informal meeting, the agency which has made the grieved decision shall prepare a written summary of the meeting and any resolution of the grievance. The summary must be submitted to the grievants for approval and signing. If the grievants do not approve of the summary or any stated resolution, they shall, within two working days of receipt of the agency summary, prepare a written grievants' summary of the meeting and any resolution. If the parties cannot agree to the contents of a summary, the proposed summary of each must be made a part of the record of any formal hearing.

History: Effective April 1, 1984.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2

75-03-12-05. Request for formal hearing. If the grievants and the department or the county social service board do not resolve the grievance at the informal meeting, the grievants may submit a written request for a formal hearing to the regional foster care director. This request must be received by the regional

foster care supervisor within three working days after receipt by the foster parents of the written summary of the informal meeting.

History: Effective April 1, 1984.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2

75-03-12-06. Formal hearing.

1. The department or the county social service board involved shall provide the regional foster care director with pertinent files and records for the review by the regional foster care director.
2. The regional foster care director, or the director's designee, shall conduct the hearing, swear witnesses, and maintain order.
3. Testimony taken at the hearing shall be preserved by a suitable recording device. Any party may receive a transcribed copy of the testimony upon request and payment of the transcription costs; provided, that the request is received within ninety days of the hearing.
4. The statements received at the hearing must be limited to those probative of the grievance under review.

History: Effective April 1, 1984.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2

75-03-12-07. Hearing decision. The regional foster care director shall prepare a written decision upon the files, records, and testimony received at the hearing. The decision constitutes the final determination of the grievance. The findings and conclusions of the regional foster care director must be sent to the grievants and the county social service board within five working days of the hearing.

History: Effective April 1, 1984.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2

75-03-12-08. Confidentiality. Information furnished at the informal meeting and formal hearing is confidential and subject to the provisions of North Dakota Century Code section 50-06-15.

History: Effective April 1, 1984.

General Authority: NDCC 50-11.2-02(5)

Law Implemented: NDCC 50-11.2